

UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF ILLINOIS

TRANSCRIPT OF SENTENCING PROCEEDINGS

BEFORE THE HONORABLE STACI M. YANDLE
UNITED STATES DISTRICT JUDGE

February 25, 2022

Proceedings recorded by mechanical stenography, produced by computer-aided transcription.

1 APPEARANCES:

2 FOR PLAINTIFF: Alexandria M. Burns, Esq.
3 Karelia S. Rajagopal, Esq.
4 OFFICE OF THE U.S. ATTORNEY
9 Executive Drive, Suite 300
Fairview Heights, IL 62208
(618) 628-3700
alexandria.burns@usdoj.gov
karelia.rajamal@usdoj.gov

6
7 FOR DEFENDANT: Earl G. Rice, Jr., Pro Se
8 MONROE COUNTY JAIL
225 E. 3rd Street
Waterloo, IL 62298

9
10 Daniel G. Cronin, Esq., Standby Counsel
FEDERAL PUBLIC DEFENDER
650 Missouri Avenue, Suite G10A
PO Box 159
11 East St. Louis, IL 62201
(618) 482-9050
12 Dan_Cronin@fd.org
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Proceedings began in open court at 9:30 a.m.)

2 COURTROOM DEPUTY: The Court calls Case No.
3 19-CR-30167, *United States of America versus Earl G. Rice,*
4 Jr. This matter is called for sentencing.

5 Would the parties please state your presence for
6 the record?

7 MS. BURNS: Ali Burns on behalf of the United
8 States. Good morning.

9 THE COURT: Good morning, Miss Burns.

10 MS. RAJAGOPAL: Good morning, Your Honor. Karelia
11 Rajagopal on behalf of United States.

12 THE COURT: Good morning, Miss Rajagopal.

13 Mr. Rice?

14 THE DEFENDANT: I'm here.

15 THE COURT: Could you state your presence for the
16 record, please?

17 THE DEFENDANT: My name?

18 THE COURT: Yeah.

19 THE DEFENDANT: Earl Rice.

20 THE COURT: The record reflect that Mr. Rice is
21 present and is representing himself pro se.

22 Mr. Cronin?

23 MR. CRONIN: Good morning, Your Honor. Dan Cronin
24 of the Federal Public Defender's Office present as standby
25 counsel for Mr. Rice.

1 THE COURT: Good morning, Mr. Rice, again.

2 Good Morning, Mr. Cronin.

3 The record should also reflect United States
4 Probation Officer Kristi Miller is present.

5 All right. Counsel and Mr. Rice, I have reviewed
6 all of the sentencing-related filings in this case, which
7 would include the Presentence Investigation Report. The
8 most recent version was revised on February 22nd, 2022.

9 I have also reviewed the Government's written
10 Sentencing Memorandum.

11 Does the Government have any additional filings or
12 documents for my review this morning?

13 MS. BURNS: No, Your Honor.

14 THE COURT: Mr. Rice, do you have any additional
15 filings or documents for my consideration for sentencing
16 purposes this morning?

17 THE DEFENDANT: Well, because I have raised the
18 issue of the Court's lack of jurisdiction, I can't reach
19 the merits. So, I have nothing to say on that.

20 THE COURT: So, you have nothing additional for my
21 consideration; correct?

22 THE DEFENDANT: Not today.

23 THE COURT: Okay.

24 THE DEFENDANT: I have some objections I'd like to
25 get on the record, though.

1 THE COURT: Objections to what, sir?

2 THE DEFENDANT: Well, the first objection is to the
3 case proceeding because of 1(A), the first prerequisite of
4 the United States Territorial Jurisdiction --

5 THE COURT: No, sir.

6 THE DEFENDANT: -- over place --

7 THE COURT: No, sir. Mr. Rice? Mr. Rice?

8 THE DEFENDANT: You don't want to hear my grounds?

9 THE COURT: Mr. Rice? Today is your sentencing.
10 Okay? Any objections you have should be confined to any
11 objections you have to the Presentence Investigation
12 Report, to the Court's calculation of the guidelines, to
13 the Proposed Conditions of Supervised Release.

14 Your jurisdictional arguments, as we went through
15 this several times during -- during -- before and during
16 your trial, your jurisdictional arguments have been
17 repeatedly noted, repeatedly addressed by the Court. You
18 will have a chance to raise them on appeal. But this is
19 not the -- this is not the forum or an opportunity for us
20 to revisit your jurisdictional arguments. We are not going
21 to do that today.

22 THE DEFENDANT: Okay.

23 THE COURT: Oral arguments, statements, objections,
24 and positions should be confined to the question of
25 sentencing. That's it.

1 I will give you every opportunity to respond,
2 address, object, to matters of sentencing. But that's all
3 we're going to do today.

4 THE DEFENDANT: Well, can I ask you something?

5 THE COURT: Sure.

6 THE DEFENDANT: Well, Daniel Cronin is here. And
7 in this first page of the Presentence Investigation Report,
8 he's listed as my defense counsel. Now, I would like to
9 raise an objection to Mr. Cronin.

10 Under the local rules of this court, I can bring to
11 your attention Rule 83.2 --

12 THE COURT: You don't need to go there. We don't
13 need to go there. You are correct. Mr. Cronin is not your
14 defense counsel. That is a -- that is inaccurate. That's
15 a mistake in the drafting of the PSR.

16 I'm going to order Probation to revise the cover
17 page of the PSR after this proceeding to reflect that, in
18 fact, Mr. Cronin is standby counsel only. So, that is --
19 that is a misprint on the PSR.

20 The Court is clear that you are representing
21 yourself. The Court and the record are clear that Mr.
22 Cronin is standby counsel only. only.

23 THE DEFENDANT: Have I entered on the record pro
24 se?

25 THE COURT: Oh, yes. You have been pro se for at

1 least a year and a half.

2 THE DEFENDANT: I have made some pro se filings --

3 THE COURT: No. No. No. No, sir.

4 THE DEFENDANT: -- but I haven't entered on the
5 record.

6 THE COURT: No, sir. When you decided you wanted
7 to represent yourself, we had an entire hearing where I
8 questioned you about that. And at the end of that, I said
9 that I found that you are competent to represent yourself
10 and that you, in fact, had exercised your right of
11 self-representation and you were representing yourself for
12 the remainder of this proceeding.

13 That was at the same time that I appointed Mr.
14 Cronin as standby counsel only.

15 The record is clear, sir, that you have been pro se
16 for a year and a half, and you are pro se today. There is
17 no question about the record. You don't need to make a
18 record.

19 THE DEFENDANT: Well, the word, phrase, or term --

20 THE COURT: Mr. Rice? Mr. Rice? I think I told
21 you, we're not doing this. We are going to proceed with
22 sentencing. So, would you please stand, sir?

23 THE DEFENDANT: (Complies.)

24 THE COURT: As I mentioned to you, Mr. Rice,
25 Probation prepared and filed a Presentence Investigation

1 Report to assist me in sentencing you in this case. The
2 initial report, I believe, was filed on January 21st, 2022.
3 It was revised on February 22, 2022.

4 And the purpose of the revision as stated, attached
5 to the report, was simply to correct the typographical
6 error that appeared in paragraph 14. In other words, that
7 the year of the relevant conduct was referred to as 2008.
8 It was corrected to the year 2018.

9 And in paragraph 82, to state what the actual
10 statutory maximum sentence as to Counts 2 and 3 is, which
11 is 360 months.

12 Sir, did you receive the PSR?

13 THE DEFENDANT: I believe I got three copies of it.

14 THE COURT: Okay. And have you had a sufficient
15 opportunity to review the PSR?

16 THE DEFENDANT: No.

17 THE COURT: Why not?

18 THE DEFENDANT: Like I stated at the beginning of
19 this proceeding, I can't get past the Court's lack of
20 jurisdiction. I can't reach the merits.

21 THE COURT: No. No. No. That wasn't my question.
22 My question was not whether you refuse to read it. My
23 question was, have you had an opportunity to read it? In
24 other words -- so, you have not read the PSR?

25 THE DEFENDANT: No.

1 THE COURT: And you have not read the PSR by
2 choice; is that correct?

3 THE DEFENDANT: I'll agree with that.

4 THE COURT: Okay. All right. You can be seated.

5 THE DEFENDANT: (Complies.)

6 THE COURT: The Court does note that no objections
7 have been made to the Presentence Investigation Report by
8 either the Government or by Mr. Rice.

9 As a result, I adopt the report and the findings
10 contained in the report and calculate the following
11 guideline range:

12 Counts 1, 2, and 3 are grouped for guideline
13 calculation purposes.

14 The guideline for a violation of 18 U.S.C., Section
15 2251(a), provides a base offense level of 32.

16 Because the offense did involve a minor who had
17 attained the age of 12 but not attained the age of 16,
18 there's a two-level increase under Section 2G2.1(b)(1)(B)
19 of the Sentencing Guidelines. The victim in this case was
20 13 years of age at the time of the offense.

21 There is an additional two-level increase under
22 Section 2G2.1(b)(2) as the defendant and the victim did
23 engage in sexual intercourse on at least two occasions.

24 There is an additional two-level enhancement or
25 increase under Section 2G2.1(b)(6)(B) as the offense

1 involved the use of a computer or interactive computer
2 service to persuade, induce, entice, coerce, or facilitate
3 the travel of, a minor to engage in sexually explicit
4 conduct. In this case, the defendant used his cell phone
5 to send the victim messages about meeting and engaging in
6 sexual relations.

7 There is an Enhancement under Chapter Four
8 specifically, Section 4B1.5(b)(1), as the defendant engaged
9 in a pattern of activity involving prohibited sexual
10 conduct, therefore, the defendant is a repeat and dangerous
11 sex offender against minors. In this case, the defendant
12 engaged in sexual intercourse with the minor on two
13 separate occasions between February 14 and 15, 2018, and he
14 also produced two images of child pornography.

15 The total offense level in this case is 43.

16 The defendant's criminal history category is six.

17 As a result, the guideline range for imprisonment
18 on Count 1 is life.

19 The guideline range for imprisonment as to Counts 2
20 and 3 is 360 months.

21 The guideline range for supervised release on
22 Counts 1, 2, and 3, is five years to life.

23 The fine range is 50,000 dollars to 250,000
24 dollars.

25 The Special Assessment is 300 dollars total, which

1 is 100 dollars per count.

2 As far as the additional Special Assessment under
3 18 U.S.C., Section 3014, the 5,000-dollar Special
4 Assessment. The Court does find that this defendant is
5 indigent and does not have the ability to pay that
6 additional Special Assessment and it will not be imposed.

7 Forfeiture is involved with respect to a Nokia
8 Lumia 635 cell phone bearing Serial No.
9 f0ed24b442e9f0e50336066ae1f20279, and a Nokia 635 -- I'm
10 sorry -- 6350 cell phone bearing IMEI No. 355969042786894.

11 Does the Government have any objections to my
12 calculations?

13 MS. BURNS: No, Your Honor.

14 THE COURT: Mr. Rice, do you have any objections to
15 the Court's calculation of the sentencing guidelines beyond
16 your jurisdictional arguments?

17 THE DEFENDANT: I can't reach the merits, ma'am,
18 so, no.

19 THE COURT: Okay. As it relates to departures.
20 While departures from the guideline range may be available,
21 I do not intend to depart for any reason that is noted in
22 the guidelines manual.

23 I will consider whether any variance from the
24 guidelines is warranted, and that would be in conjunction
25 with my consideration of the statutory factors set forth at

1 18 U.S.C., Section 3553(a). I'm required to consider and
2 weigh those factors in order to ensure that I impose a
3 sentence which is sufficient, but not greater than
4 necessary, to comply with the purposes of sentencing.
5 These purposes include the need for the sentence to reflect
6 the seriousness of the crime, to promote respect for the
7 law, and to provide just punishment for the offense. The
8 sentence should also deter criminal conduct, protect the
9 public from future crimes by this defendant, and promote
10 rehabilitation. In addition to the guidelines and policy
11 statements, I must also consider and weigh:

12 The nature and circumstances of the offense;
13 The history and characteristics of this defendant;
14 The need to avoid unwarranted sentence disparities
15 among similarly-situated defendants; as well as,
16 The types of sentences available.

17 With that, Miss Burns -- will you be speaking to --
18 on the Government's behalf?

19 MS. BURNS: Yes, Your Honor. Would you like me to
20 approach the podium?

21 THE COURT: Sure.

22 MS. BURNS: Okay.

23 THE COURT: What is the Government's position on
24 the application of the statutory factors and the
25 Government's sentencing recommendation?

1 MS. BURNS: Your Honor, the Government's
2 recommending a total sentence 40 years. And I submitted a
3 Sentencing Memorandum laying out much of, you know,
4 obviously, the Court sat through this trial and the facts
5 surrounding that. But there were a few things that I
6 wanted to highlight that I think support a sentence of 40
7 years as being sufficient, but not greater than necessary,
8 in this case.

9 In starting with, specifically, the fact that this
10 case went to trial. I think it's really important to note
11 that while Mr. Rice did not cross-examine the victim, and I
12 do think that, you know, was to the victim's benefit to not
13 have to engage with Mr. Rice under these circumstances, it
14 still didn't remove the fact that she had to walk into a
15 room full of adult strangers in a place she had never been,
16 in a room with Mr. Rice again, and talk about what happened
17 that night. And I think that is something that is very
18 difficult. You know, it would be difficult for adults to
19 do. But to have a child do that, I think the weight of
20 that can't be overstated.

21 And I think it's also important to note that, you
22 know, after this happened in 2018, the victim dealt with a
23 lot of trauma that was, you know, reopened or aggravated
24 based on her encounter with police, the things that
25 happened that night, and had to receive treatment for a

1 couple weeks after that, inpatient treatment.

2 Luckily, after that, she started doing much better.
3 And I think that is a really important fact and something
4 that, you know, she is very proud of, and her family is
5 very proud of. But coming back to something like this, to
6 talk about this again, again, in a setting with a bunch of
7 strangers and to kind of have to open old wounds at that
8 point is something that's very difficult and did have an
9 impact on her afterwards. I think her mom had a lot of
10 concern about her just kind of closing up again and kind of
11 reverting back to where she was in 2018. So, I do think
12 that that's really important.

13 And when we consider the nature and circumstances
14 of this offense, and the seriousness of this offense, is
15 that that's part of that consideration, of that impact it
16 had on this victim.

17 I think that another part of the nature and
18 circumstances of this offense is the fact that Mr. Rice has
19 not taken any responsibility for his actions. I think that
20 we saw that play out, not just through the trial but well
21 before that. And the reason that I bring that up is, it's
22 especially notable to me that in his numerous interviews
23 with police, he plays games, I mean, to put it simply.

24 He concedes on things that he absolutely has to,
25 because they're confronting him with things that he can't

1 talk hisself out of. But he continues through those
2 numerous interviews to deny or make up excuses or try to
3 play these games to avoid what they're confronting him
4 with. And even after his final interview with police
5 where, you know, when confronted with actual images on his
6 phone, so now he could no longer just say that, *oh, I*
7 *picked up this 13-year-old girl and we sat in a hotel room*
8 *all night and she just laid on the couch and we watched TV,*
9 *or laid on the bed and watched TV.* Once he was confronted
10 with images of the victim on his phone, he came up with,
11 *She wanted me to take those pictures to send to her own*
12 *phone so she could have them.* He's always kind of
13 manipulating that situation to work for him.

14 And I think it's notable that, even at the end of
15 that final interview, he still denied that he ever had any
16 sexual contact with the victim. Which, obviously, we find
17 out at a later date, not only had the victim said was not
18 true, but DNA evidence disproved.

19 So, I think that kind of behavior plays into not
20 just the seriousness of this offense but the need to
21 promote a respect for the law. And I think it just shows a
22 continuous pattern in Mr. Rice's life, notably started
23 later in his life, in his 40s, really, with this engagement
24 with law enforcement and these games.

25 If you look at his criminal history and his priors,

1 while not all of them are necessarily the most serious of
2 offenses, it always involves, you know, kind of changing
3 the facts to fit how he wants this narrative to play. You
4 know, in instances where he is combative with police or
5 kind of telling police different stories. And so, I think
6 that's something important to consider.

7 I also think that, you know, he has -- when he is
8 arrested related to this case -- he's a convicted felon.
9 He's previously been convicted related to gun offenses, and
10 he's found with, you know, numerous guns. And that wasn't
11 the first time that had happened. There were prior
12 instances where he had been charged with gun possessions
13 related to him being prohibited, or some other prohibiting
14 factor. And so, it just again shows this consistent
15 ability or disability to comply with the law and respect
16 the law.

17 And finally, I think in looking at the 3553(a)
18 factors and the need to adequately deter not just him but
19 others like him, you know, we, in this court, deal with
20 many types of offenses involving child victims, and those
21 range from one far end to the other. And I think it's
22 pretty widely accepted that a hands-on offense is the worst
23 of those. I mean, somebody who's actually acting on those.
24 And that's what we have here.

25 And I think a significant sentence of 40 years,

1 which I understand is a very significant sentence, is
2 necessary to not just deter Mr. Rice from continued
3 disrespect for the law, but also others like him, to send
4 that message that this type of behavior will not be
5 tolerated and it will be met with serious consequence if
6 it's -- if somebody does this.

7 So, at the end of the day, the Government believes
8 that a 40-year sentence is appropriate in this case and
9 it's sufficient, but not greater than necessary.

10 And finally, we would also ask for lifetime
11 supervised release.

12 Thank you.

13 THE COURT: Thank you, Miss Burns.

14 Mr. Rice, you now have an opportunity to address
15 the application of the statutory sentencing factors and
16 goals that I detailed, as well as to make any statement on
17 your own behalf as it relates to the imposition of a
18 sentence in this case.

19 Anything you'd like for me to consider in imposing
20 sentence? You may -- I'll ask the marshals to bring you to
21 the podium.

22 THE DEFENDANT: Ma'am? If I could find a
23 constitutional court of proper venue, I would argue with
24 the Supreme Court --

25 THE COURT: Mr. Rice, I'm not interested in your --

1 THE DEFENDANT: I would argue --

2 THE COURT: I'm not interested in your

3 jurisdictional thoughts.

4 THE DEFENDANT: -- with the Supreme Court --

5 THE COURT: I'm not interested in your

6 jurisdictional thoughts.

7 THE DEFENDANT: This goes to --

8 THE COURT: No. No.

9 THE DEFENDANT: This goes to the --

10 THE COURT: No. No. No. You may make a statement

11 as to the application of the factors set forth in 18

12 U.S.C., Section 3553(a), as the Government had an

13 opportunity to do. You may make a statement as to the

14 application of the goals of sentencing. You may make an

15 allocution.

16 what you are not going to do is to get up on your

17 jurisdictional soapbox. We've had this battle throughout

18 this case. I have ruled on your jurisdictional arguments.

19 I understand your stated position is, you can't get to

20 anything else in this criminal proceeding because you can't

21 get to the Court's jurisdiction. Okay. You don't have to

22 get to the Court's jurisdiction. The Court has

23 jurisdiction.

24 But what we're not going to do is to continue to

25 entertain those arguments. You are not required to make

1 any statement as it relates to the application of the
2 factors set forth at 18 U.S.C., Section 3553(a), or the
3 application of the objectives of sentencing in your case,
4 or an allocution. You have an opportunity but, like other
5 opportunities, you can decline. But I'm not going to give
6 you an audience for your jurisdictional arguments today.

7 Now, do you have a statement that you'd like to
8 make to address the application of the factors set forth at
9 18 U.S.C., Section 3553(a)? I'm happy to repeat them, or
10 the sentencing objectives. I'm happy to repeat those for
11 you.

12 THE DEFENDANT: If I can't continue my first
13 statement, then I have no further -- nothing further to
14 say.

15 THE COURT: Okay, then could you please stand where
16 you are?

17 THE DEFENDANT: (Complies.)

18 THE COURT: The record would reflect that, again,
19 Mr. Rice is representing himself and, as such, was given
20 ample opportunity to address the statutory factors at 18
21 U.S.C., Section 3553(a), as it relates to sentencing and
22 the objectives of sentencing, that I detailed them on the
23 record today, and also informed him of his opportunity to
24 make an allocution.

25 Mr. Rice stands on his position that if the Court

1 will not allow him to address his jurisdictional arguments,
2 that he has nothing else to say.

3 That being the case, the Court is prepared to
4 proceed with the imposition of a sentence in this case.

5 As to the factors that I am to consider and weigh,
6 beginning with the nature and circumstances of the offense.
7 Suffice it to say, Mr. Rice's offense conduct for which he
8 was convicted of the enticement of a minor, travel with
9 intent to engage in illicit sexual conduct and sexual
10 exploitation of the minor, those are some of the most
11 serious offenses as it relates to the exploitation of
12 minors that exist under our federal law.

13 The nature and circumstances of his specific
14 offenses is reprehensible. And there are many other
15 adjectives we can add to it. We all sat through those
16 details -- or the Court sat through those details in trial.
17 They are detailed in the PSR.

18 Mr. Rice enticed a minor on a dating website to
19 meet with him; to sneak out of her home at the age of 13,
20 to go to a motel room with him and engage in a night of
21 sex. He also took pornographic photographs of that minor
22 child.

23 I don't know what else we need to say about the
24 seriousness of the offense and the nature and
25 circumstances. It's very serious. And, obviously, the

1 guidelines reflect the fact that significant and
2 substantial punishment is warranted.

3 There are also significant factors stemming from
4 Mr. Rice's history and characteristics. In particular, his
5 criminal history. He has several convictions and offenses,
6 but most concerning for the Court are those that involve
7 possession of firearms, resisting arrest and other acts of
8 authority by law enforcement.

9 And I find it noteworthy that in 2016, which was
10 just six years ago, he was convicted of resisting arrest
11 and unlawful possession of a firearm. And during this
12 offense, Mr. Rice actually reached into his pocket and
13 retrieved a loaded gun while being handcuffed by law
14 enforcement.

15 So, why is that significant? Because I think there
16 is a -- an indication of a combination of defiance and
17 propensity for violence and firearms in Mr. Rice's criminal
18 history which is concerning, troubling, and significant.

19 All of this goes to the objectives of sentencing.
20 And what are the goals of sentencing given all of these
21 factors?

22 Deterrence is one sentencing goal or objective that
23 the Court is required to consider. That is, specific
24 deterrence for Mr. Rice. What sentence could the Court
25 impose that would deter Mr. Rice from further criminal

1 conduct?

2 The Court considers specific deterrence in every
3 case. But the truth of the matter is, there is no
4 realistic expectation of specific deterrence in every case.
5 Some people just simply can't be deterred no matter what
6 the sentence is, and Mr. Rice is one of those people.

7 So, I do not believe that deterring Mr. Rice from
8 future criminal conduct is a realistic goal for any
9 sentence this Court could impose. I do believe that
10 general deterrence is realistic. In other words, a
11 sentence that would get the attention of others and deter
12 them from similar criminal conduct. In other words, to
13 know that the penalties for this -- these types of offenses
14 is severe. And --

15 THE DEFENDANT: Not to interrupt but --

16 THE COURT: No. No. You cannot say a word. I'm
17 speaking.

18 THE DEFENDANT: Can I sit?

19 THE COURT: Can you sit? No, you need to stand.
20 Are you physically unable to stand?

21 THE DEFENDANT: It hurts, ma'am.

22 THE COURT: Then you may sit.

23 THE DEFENDANT: Thank you.

24 THE COURT: So, as far as promoting a respect for
25 the law? There is no question that for some time Mr. Rice

1 has demonstrated that he has a total disregard for the law.
2 And once again, sadly, I don't think any sentence I impose
3 is going to change that.

4 So, for me, the relevant sentencing factors here
5 are just punishment. And even given the nature of Mr.
6 Rice's conduct, the seriousness of his offense, the total
7 lack of remorse, does not necessarily lead the Court to the
8 conclusion that maximum punishment is the only punishment
9 here. But it is a consideration.

10 The most important objective of sentencing in this
11 case, obviously, is the need to protect the public and, in
12 particular, children from future crimes by Mr. Rice.

13 So, the calculated guidelines in this case is life.
14 And that's a tough sentence for any Court to impose under
15 any circumstances, but I can't say that it would be an
16 inappropriate sentence in this case.

17 The Government, however, has recommended a sentence
18 of 40 years which, frankly, as to Count 1 would be a
19 downward variance in the guidelines.

20 Given again, frankly, the nature and circumstances
21 of this offense, the impact on the victim from the offense
22 itself all the way through having to sit up in this witness
23 stand and testify as to what occurred on the night of the
24 offense, and Mr. Rice's demonstrated total lack of regard
25 for the law and lack of remorse, I believe a sentence of 50

1 years is appropriate and warranted in this case.

2 And so, having considered all of the information in
3 the presentence report, including guideline computations
4 and factors set forth in 18 U.S.C., Section 3553(a), and
5 pursuant to the Sentencing Reform Act of 1984, it is the
6 judgment of the Court that the defendant Earl G. Rice,
7 Jr., is hereby committed to the custody of the Bureau of
8 Prisons to be imprisoned for a term of 50 years on Count 1,
9 and a term of 30 years or 360 months on Counts 2 and 3, to
10 be served concurrently.

11 It is ordered that the defendant shall pay to the
12 United States a Special Assessment of 300 dollars, which is
13 100 dollars per count. And that Special Assessment is
14 payable through the Clerk of the United States District
15 Court.

16 The defendant does appear to be indigent and does
17 not have the ability to pay the additional 5,000-dollar
18 special Assessment under 18 U.S.C., Section 3014.

19 I also note that restitution is not being sought by
20 the victim in this case.

21 Because the financial penalties do exceed 100
22 dollars, this defendant shall notify the United States
23 Attorney for this district within 30 days of any change of
24 name, residence, or mailing address until his financial
25 penalties are paid in full.

1 In addition to the Special Assessment, the Court is
2 also imposing a fine of 300 dollars, which is 100 dollars
3 on each count.

4 Having assessed the defendant's ability to pay,
5 payment of the total criminal monetary penalties shall be
6 paid in equal monthly installments of 25 dollars or 10
7 percent of his net monthly income, whichever is greater.

8 This defendant shall pay any financial penalty that
9 is imposed by this judgment and remains unpaid at the
10 commencement of the term of supervised release.

11 Should this defendant be released from
12 imprisonment, he shall be placed on supervised release for
13 life on each count, to run concurrently. Again, the
14 justification is based on all of the factors that I noted
15 and the obvious need to monitor any reintegration into the
16 community of Mr. Rice, should he be released.

17 In addition to the sentence imposed, the defendant
18 shall forfeit his interest in the following property to the
19 United States:

20 A Nokia Lumia 635 cellular phone. I have noted the
21 serial number before on the record and it will appear in
22 the Judgment, as well as a Nokia 6350 cellular phone. Same
23 thing.

24 As it relates to supervised release. While on
25 supervised release, Mr. Rice shall be subject to and be

1 required to comply with the Conditions of Supervision
2 ordered by this Court. Those Conditions are in the
3 Presentence Investigation Report that was in fact provided
4 to Mr. Rice in advance of the sentencing proceeding.

5 Mr. Rice, you have the right to have me read those
6 Conditions of Supervision in open court this morning. You
7 may also waive the reading of those Conditions.

8 Are you requesting that I read the Terms and
9 Conditions of Supervised Release?

10 THE DEFENDANT: No.

11 THE COURT: Okay. You waive that right?

12 THE DEFENDANT: It goes to what I said before.

13 THE COURT: No. No. It doesn't go to what you
14 said. It goes to whether or not you waive your right to
15 have me read the Terms and Conditions of Supervised Release
16 or you request that I read them.

17 THE DEFENDANT: I'm not requesting that you read
18 them.

19 THE COURT: Okay. The record should reflect that
20 Mr. Rice has knowingly, voluntarily, and competently waived
21 his right to have me read the Conditions of Supervision in
22 open court.

23 Miss Burns, does the Government request any further
24 explanation regarding my consideration of the statutory
25 factors set forth in 18 U.S.C., Section 3553(a)?

1 MS. BURNS: No, Your Honor.

2 THE COURT: Mr. Rice, do you request any further
3 elaboration regarding the sentence I impose and my
4 consideration of the factors set forth at 18 U.S.C.,
5 section 3553(a)?

6 THE DEFENDANT: No, ma'am. But I hope to get that
7 and a copy of a transcript of this proceedings. Will I be
8 able -- will I be able to?

9 THE COURT: I will let you know. We're going to
10 talk about what you -- the requests you can make as far as
11 a transcript and for purposes of appeal. We'll get there
12 in a second.

13 THE DEFENDANT: Okay.

14 THE COURT: But my question is, do you want any
15 further explanation at this time?

16 THE DEFENDANT: Pardon -- would you say that again,
17 please?

18 THE COURT: My question is, do you request any
19 further explanation of the sentence and my consideration of
20 those factors at this time?

21 THE DEFENDANT: No, I don't request.

22 THE COURT: Okay. So, let's talk about your
23 appeal.

24 Mr. Rice, you do have a right to appeal your
25 conviction if you believe that your conviction was some --

1 there was some fundamental defect in the proceedings. You
2 are also -- you also have a statutory right to appeal the
3 sentence itself, if you believe the sentence that I just
4 imposed is contrary to the law.

5 If you intend to appeal, sir, you must file a
6 Notice of Appeal within 14 days after the Judgment is
7 entered in this case.

8 If you cannot afford the services of an attorney
9 and wish to have an attorney to assist you in your appeal,
10 one will be appointed for you.

11 If you cannot afford it, a transcript of the record
12 in this case will be prepared for appeal purposes and that
13 would be at the Government's expense.

14 And if you make the request, the Clerk of Court
15 will prepare and file a Notice of Appeal on your behalf.

16 Do you understand that, sir?

17 THE DEFENDANT: Yes.

18 THE COURT: Anything else, Miss Burns?

19 MS. BURNS: I don't believe so, Your Honor.

20 THE COURT: Anything else, Mr. Rice?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: There being nothing further, this
23 defendant is remanded to the custody of the United States
24 Marshal. We are in recess. Thank you.

25 (Court adjourned at 10:12.)

REPORTER'S CERTIFICATE

I, Christine Dohack LaBuwi, RDR, CRR, Official Court Reporter for the U.S. District Court, Southern District of Illinois, do hereby certify that I reported with mechanical stenography the proceedings contained in pages 1-29; and that the same is a full, true, correct and complete transcript from the record of proceedings in the above-entitled matter.

DATED this 4th day of April, 2022,

s/Christine Dohack LaBuwi, RDR, CRR

Christine Dohack LaBuwi, RDR, CRR